

**SUPREME COURT MINUTES
THURSDAY, JANUARY 22, 2004
SAN FRANCISCO, CALIFORNIA**

S100360

A090989 First Appellate District,
Division Four

PEOPLE v. POSEY

Opinion filed: Judgment affirmed in full

Opinion by George, C.J.

--- joined by Kennard, Baxter, Werdegarr, Chin,
Moreno, JJ.

Dissenting Opinion by Brown, J.

S104995

C035564 Third Appellate District

PEOPLE v. TONEY

Opinion filed: Judgment reversed

and remanded for proceedings consistent with
this opinion.

Majority Opinion by Kennard, J.,

--- joined by George, C.J., Baxter, Werdegarr,
Chin, Brown and Moreno, JJ.

S108187

C032839 Third Appellate District

PEOPLE v. STOWELL

Rehearing denied

S120903

B159594 Second Appellate District,
Division Seven

MOROHOSHI v. PACIFIC HOME

Petition for review granted (civil case)

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S120557

D040040 Fourth Appellate District,
Division One

PEOPLE v. MURPHY

Petition for review granted; transferred to CA 4/1

The matter is transferred to the Court of Appeal,
Fourth Appellate District, Division One, with
directions to vacate its opinion and reconsider its
decision in light of *United States v. Banks*
(2003) __ U.S.__, [124 S.Ct. 521].

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S120991

D043179 Fourth Appellate District,
Division One

BOWERS (MANUEL ERNESTO) ON H.C.

Review granted; transferred to CA 1/4 to issue OSC

The matter is transferred to the Fourth Appellate District, Division One, and that court is ordered to issue an order to show cause, returnable before the San Diego County Superior Court. The Board of Prison Terms is to be ordered to show cause, when the matter is placed on calendar, why the Board did not improperly find that petitioner was ineligible for work credits under Penal Code section 3057(d)(2)(D) against his 10 month parole revocation term, and why petitioner should not be awarded such credits and his parole period reduced accordingly. (See Attorney General's Answer, dated January 9, 2004, pages 4-5; *In re Reina* (1985) 171 Cal.App.3d 638, 642.) The return shall be filed on or before January 30, 2004.

Votes: George, C.J., Kennard, Werdegarr, Chin, and Moreno, JJ.

S120186

B164735 Second Appellate District,
Division Seven

FIELDS (BOBBY A.) ON H.C.

Petition for review denied

S120225

C045083 Third Appellate District

HILDEBRAND (JOHN FRANCIS) ON H.C.

Petition for review denied

S120247

D039697 Fourth Appellate District,
Division One

HIXON v. HIXSON

Petition for review denied

S120286

B154079 Second Appellate District,
Division Six

BAUM v. SMART

Petition for review denied

S120371

F041187 Fifth Appellate District

TURLOCK JOINT ELEMENTARY SCHOOL v.

PUBLIC EMPLOYMENT RELATIONS BOARD

Petitions for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed

October 3, 2003, which appears at 112 Cal. App.4th 522. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Brown, J., is of the opinion the petition should be granted.

S120425
F038536 Fifth Appellate District

F. (KYLE) IN RE
Petition for review & depublication request denied

Baxter, J., Chin, J., and Brown, J., are of the opinion the petition should be granted.

S120439
B170665 Second Appellate District,
Division Four

NAKASHIMA (ROY H.) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S120459
F039096 Fifth Appellate District

PEOPLE v. TAYLOR
Petitions for review denied

S120512
G033041 Fourth Appellate District,
Division Three

SBC COMMUNICATIONS v. S.C. (RLH INDUSTR.)
Petition for review denied

S120544
A101332 First Appellate District,
Division Two

WALKER v. STATE OF CALIFORNIA
Petition for review denied

Brown, J., was recused and did not participate.

S120547
B170493 Second Appellate District,
Division Five

HLC PROPERTIES, LTD. v. S.C. (MCA RECORDS)
Petition for review denied

S120646
F039818 Fifth Appellate District

PEOPLE v. ROMAN
Petition for review denied

S120667
F043477 Fifth Appellate District

MENDOSA v. WCAB. (TURLOCK SCAVENGER)
Petition for review denied

S120694

E030830 Fourth Appellate District,
Division Two

PEOPLE v. FERGUSON
Petitions for review denied

S120720

B160715 Second Appellate District,
Division Five

PEOPLE v. MELENDEZ
Petition for review denied

S120745

C045312 Third Appellate District

SOTO (SANTIAGO) ON H.C.
Petition for review denied

S120747

B162328 Second Appellate District,
Division Four

PEOPLE v. BASULTO
Petitions for review denied

S120773

B163450 Second Appellate District,
Division Three

PEOPLE v. BENDER
Petition for review denied

S120797

B171309 Second Appellate District,
Division Seven

LOS ANGELES UNIF. SCH. DIST. v. S.C. (JILES)
Petition for review and application for stay denied

S120799

B139901 Second Appellate District,
Division One

PEOPLE v. BATTS
Petitions for review denied

S120808

B162507 Second Appellate District,
Division Seven

GILBERT (DONALD), ESTATE OF
Petition for review denied

S120820

C043173 Third Appellate District

PEOPLE v. MALONE
Petition for review denied

S120827

B163546 Second Appellate District,
Division One

PEOPLE v. PEREZ
Petition for review denied

S120829

E033809 Fourth Appellate District,
Division Two

LOS ANGELES DEPT OF WATER & POWER v.
S.C. (COUNTY OF L.A.)
Petition for review denied

S120834

B170855 Second Appellate District,
Division Three

COUNCIL FOR EDUCATION & RESEARCH ON
TOXICS v. S.C. (MCDONALDS)
Petition for review denied

S120842

G029933 Fourth Appellate District,
Division Three

PEOPLE v. PIGAGE
Petitions for review denied

S120844

A098688 First Appellate District,
Division Three

PRICE v. HELLER EHRMAM
Petition for review & publication request denied

S120860

A104236 First Appellate District,
Division One

ROBINSON (JULIUS JAY) ON H.C.
Petition for review denied

S120868

C040274 Third Appellate District

PEOPLE v. BANKS
Petition for review denied

S120876

B161503 Second Appellate District,
Division Five

WHITE v. CONTRERAS
Petition for review denied

S120877

B137295 Second Appellate District,
Division Seven

PBA v. KPOD
Petition for review denied

S120898

B162677 Second Appellate District,
Division Two

H. (CHARLES), IN RE
Petition for review denied

S120901

B168512 Second Appellate District,
Division Two

CHARLES H. ON H.C.
Petition for review denied

S120902

H023829 Sixth Appellate District

PEOPLE v. JAHN

Petition for review denied

S120937B159518 Second Appellate District,
Division ThreeLOS ANGELES COUNTY v. SOUTHERN CALIF
EDISON CO.

Petition for review denied

S120942G031551 Fourth Appellate District,
Division Three

PEOPLE v. COLLINS

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120960A101095 First Appellate District,
Division Four

PEOPLE v. KNIGHT

Petition for review denied

S120998

F040934 Fifth Appellate District

PEOPLE v. GEBRO

Petition for review denied

S121036

C043236 Third Appellate District

PEOPLE v. MAGLAYA

Petition for review denied

S121037A099513 First Appellate District,
Division Three

PEOPLE v. DOMINGUEZ-CRUZ

Petition for review denied

S121045F040426
F039448 Fifth Appellate District

R. (JESSICA) v. COUNTY OF MERCED

Petition for review denied

S121084A102255 First Appellate District,
Division One

TEAMSTERS LOCAL 856 v. PRICELESS LLC

Petition for review & depublication request denied

S121085E032388 Fourth Appellate District,
Division Two

PEOPLE v. CURIEL

Petition for review denied

S121093

B160770 Second Appellate District,
Division One

PEOPLE v. MEDINA

Petition for review denied

S121103

D040245 Fourth Appellate District,
Division One

PEOPLE v. GILBERT

Petition for review denied

S121105

B159280 Second Appellate District,
Division Six

HOLMBERG v. J. F. SHEA CO.

Petition for review denied

S121130

G031033 Fourth Appellate District,
Division Three

MAURICE v. CHUNG

Petition for review denied

Chin, J., was recused and did not participate.

S121132

D041245 Fourth Appellate District,
Division One

PEOPLE v. GERBER

Petition for review denied

S121133

D040372 Fourth Appellate District,
Division One

PEOPLE v. CASTILLO

Petition for review denied

S121134

B163936 Second Appellate District,
Division Eight

PEOPLE v. THOMAS

Petition for review denied

S121141

B164596 Second Appellate District,
Division Five

PEOPLE v. LOPEZ

Petition for review denied

S121150

B164216 Second Appellate District,
Division Five

PEOPLE v. FOSTER

Petition for review denied

S121151

H025076 Sixth Appellate District

PEOPLE v. RUIZ

Petition for review denied

S121155

A104096 First Appellate District,
Division Four

PEOPLE v. S.C. (MCCURDY)
Petition for review denied

S121168

B162586 Second Appellate District,
Division Two

PEOPLE v. BONILLA
Petition for review denied

S121170

G031216 Fourth Appellate District,
Division Three

PEOPLE v. GRIFFITH
Petition for review denied

S121171

B163447 Second Appellate District,
Division One

CHODOS v. GORIN
Petition for review denied

S121172

D041244 Fourth Appellate District,
Division One

PEOPLE v. HILL
Petition for review denied

S121180

H025037 Sixth Appellate District
H025798

PEOPLE v. LOZANO
Petition for review denied

S121182

F043198 Fifth Appellate District

B. (DUSTIN), IN RE
Petition for review denied

S121214

B168265 Second Appellate District,
Division Four

HABLIAN v. WCAB (ZURICH, U.S.A.)
Petition for review denied

Werdegar, J., was recused and did not
participate.

S121215

A101464 First Appellate District,
Division Four

PEOPLE v. TOWNSEND
Petition for review denied

S121222

H025211 Sixth Appellate District

PEOPLE v. CORTEZ
Petition for review denied

S121228

A104611 First Appellate District,
Division Four

CRAMER ON H.C.

Petition for review denied

S121240

G030637 Fourth Appellate District,
Division Three

PEOPLE v. JOHNSON

Petition for review denied

S121247

C043106 Third Appellate District

PEOPLE v. SMITH

Petition for review denied

S121248

F040438 Fifth Appellate District

PEOPLE v. SANCHEZ

Petition for review denied

S121253

A098187 First Appellate District,
Division One

PEOPLE v. VASQUEZ

Petition for review denied

S121255

F040592 Fifth Appellate District

PEOPLE v. DURHAM

Petition for review denied

S121258

B171465 Second Appellate District,
Division Five

FUJIMURA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S121260

B155023 Second Appellate District,
Division Two

WILLIAM, CONSERVATORSHIP AND ESTATE

Petition for review denied

Request for judicial notice granted.

S121263

A104778 First Appellate District,
Division Four

STINSON v. S.C. (PEOPLE)

Petition for review denied

S121265

G033045 Fourth Appellate District,
Division Three

FULTON v. S.C. (PEOPLE)

Petition for review denied

S121267

A098004 First Appellate District,
Division One

PEOPLE v. FAGLEY

Petition for review denied

S121268

B160991 Second Appellate District,
Division Six

PEOPLE v. FRANCO

Petition for review denied

S121276

A101282 First Appellate District,
Division One

PEOPLE v. BELL

Petition for review denied

S121279

C042525 Third Appellate District

PEOPLE v. LACEY

Petition for review denied

S121289

E033443 Fourth Appellate District,
Division Two

PEOPLE v. FERNANDEZ

Petition for review denied

S121293

G030553 Fourth Appellate District,
Division Three

NEWPORT SPORTS CORP. v. TEHRANI

Petition for review denied

S121297

A104532 First Appellate District,
Division One

FREEMAN v. S.C. (PEOPLE)

Petition for review and application for stay denied

S121302

D039428 Fourth Appellate District,
Division One

PEOPLE v. PEREZ

Petition for review denied

S121317

D039623 Fourth Appellate District,
Division One

PEOPLE v. FRENCH

Petition for review denied

S121322

G031336 Fourth Appellate District,
Division Three

PEOPLE v. OLAH

Petition for review denied

S121326

A101353 First Appellate District,
Division Two

ATTELL v. BLUM

Petition for review denied

S121373

H025712 Sixth Appellate District
H026474

B. (DELILIAH), IN RE

Petition for review denied

S121375

B163981 Second Appellate District,
Division Five

FELMAN v. MBM COMMERCIAL PROPERTY

Petition for review denied

S121390

A104746 First Appellate District,
Division One

HARRIS (ARTHUR) ON H.C.

Petition for review denied

S121401

G031498 Fourth Appellate District,
Division Three

LYONS v. FIREMANS FUND

Petition for review denied

S121417

G032494 Fourth Appellate District,

SANCHEZ v. S.C. (PEOPLE)

Petition for writ of error corum vobis denied.

S121429

B170778 Second Appellate District,
Division Five

SOLOMON (SHA'SHONEE) ON H.C.

Petition for review denied

S121431

E034798 Fourth Appellate District,
Division Two

BARBER (JEWEL) ON H.C.

Petition for review denied

S121437

E034865 Fourth Appellate District,
Division Two

PEOPLE v. S.C. (PLASIER)

Petition for review and application for stay denied

S121516

G031658 Fourth Appellate District,
Division Three

PEOPLE v. HERNANDEZ

Petition for review denied

S121554B171832 Second Appellate District,
Division SixPEOPLE v. S.C. (TAYLOR)
Petition for review denied**S121645**B171632 Second Appellate District,
Division ThreeRANDOLPH v. S.C. (PEOPLE)
Petition for review denied

Request for judicial notice granted.

S121730CURTIS v. CA 1/5 (MCGRATH)
Petition for writ of mandate/prohibition denied**S121849**E034956 Fourth Appellate District,
Division TwoCARDENAS v. S.C. (PEOPLE)
Petition for review and application for stay denied**S114101**RODRIGUEZ (VICTOR) ON H.C.
Petition for writ of habeas corpus denied**S114325**GARCIA (JOSE MARIO) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S114398**BRANTLEY (HOSIE L.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S114469**BOLDEN (VALERIE) ON H.C.
Petition for writ of habeas corpus denied**S114505**SLAYTER (DANIEL RAY) ON H.C.
Petition for writ of habeas corpus deniedfor lack of diligence and on the merits with
citations.**S114753**DAWSON (DONALD E.) ON H.C.
Petition for writ of habeas corpus denied**S114810**NGO (VIET MIKE) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

| | |
|----------------|--|
| S114965 | JONES (GREGORY) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S114997 | SANTIAGO (FIDEL) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115012 | BENTLEY (CHARLES E.) ON H.C. Petition for writ of habeas corpus denied |
| S115014 | PHILLIPS (ANTHONY R.) ON H.C. Petition for writ of habeas corpus denied as untimely and successive, and on the merits with citation(s). |
| S115021 | CHARITY (TIMMY O.) ON H.C. Petition for writ of habeas corpus denied |
| S115052 | VILDOSOLA (PATRICIA I.) ON H.C. Petition for writ of habeas corpus denied |
| S115133 | WRIGHT (GILBERT) ON H.C. Petition for writ of habeas corpus denied |
| S115136 | NICE (DIANNA) ON H.C. Petition for writ of habeas corpus denied |
| S115157 | WOOD (JEFFREY) ON H.C. Petition for writ of habeas corpus denied |
| S115191 | BOLDEN (VALERIE) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115313 | PHILLIPS (REGONALD) ON H.C. Petition for writ of habeas corpus denied with citation(s) |

S115484

HARRELL (HULEN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Chin, J., was recused and did not participate.

S115505

PHILLIPS (REGONALD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115633

PRECIADO (ANTONIO O.) ON H.C.

Petition for writ of habeas corpus denied

S115649

DEATER (THOMAS) ON H.C.

Petition for writ of habeas corpus denied

for lack of diligence and on the merits with
citation(s).**S115689**

JENKINS (HAROLD) ON H.C.

Petition for writ of habeas corpus denied

S115718

NOBLE (JOSEPH) ON H.C.

Petition for writ of habeas corpus denied

S115719

ALLEN (HILLERY DARNELL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115730

STUBBLEFIELD (ELTON) ON H.C.

Petition for writ of habeas corpus denied

S115741

ALLBRITTON (HAROLD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115754

PHILLIPS (REGONALD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115787

RUE (HAROLD D.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

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|----------------|---|
| S115805 | RIVERA (JOSE) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115827 | MACK (STEPHEN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115835 | GARCIA (APOLINAR M.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115839 | ALLENSWORTH (KURT D.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115841 | DAVIS (DORIAN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115846 | HERNANDEZ (LEODEGARIO) ON H.C. Petition for writ of habeas corpus denied |
| S115850 | COURTNEY (DARRELL) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115852 | COURTNEY (DARRELL) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115858 | WARD (RONALD A.) ON H.C. Petition for writ of habeas corpus denied |
| S115873 | ESPARZA (ERIK) ON H.C. Petition for writ of habeas corpus denied |
| S115883 | SOTO-MONTOYA (RUBEN) ON H.C. Petition for writ of habeas corpus denied |
| S115885 | DARROW (NEIL) ON H.C. Petition for writ of habeas corpus denied with citation(s) |

Brown, J., was recused and did not participate.

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| S115887 | AKMAL (ADAMA ABU) ON H.C. Petition for writ of habeas corpus denied |
| S115888 | HALLY (JABAR) ON H.C. Petition for writ of habeas corpus denied |
| S115892 | PIRTLE (RICHARD) ON H.C. Petition for writ of habeas corpus denied |
| S115897 | MCDUGALD (ANTHONY E.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115901 | ROGERS (JOHN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115910 | TORRES (ANTONIO) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115913 | ENGLAND (RONALD) ON H.C. Petition for writ of habeas corpus denied with citation(s) Brown, J., was recused and did not participate. |
| S115922 | CLEMENT (TIMOTHY) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S115983 | DAVENPORT (JAMES) ON H.C. Petition for writ of habeas corpus denied |
| S116010 | GAUTIER (JEFFERY H.) ON H.C. Petition for writ of habeas corpus denied |
| S116017 | LAMBERTSON (BRYAN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116026 | PITTMAN (TANYA) ON H.C. Petition for writ of habeas corpus denied |

S116028

BELL (JACK HARPER) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S116032

CHARLES (CLARENCE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Chin, J., was recused and did not participate.

S116036

CRAWFORD (JAMES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S116050

SAAVEDRA (ALFONSO A.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S116051

JUAREZ (ISRAEL KENNETH) ON H.C.

Petition for writ of habeas corpus denied

S116075

HAMM (BARRON) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S116092

AKMAL (ADAMA ABU) ON H.C.

Petition for writ of habeas corpus denied

S116101

TROUPE (WILLIE A.) ON H.C.

Petition for writ of habeas corpus denied

S116143

ROBINSON (LORENZO) ON H.C.

Petition for writ of habeas corpus denied

S116144

GARRETT (CURTIS) ON H.C.

Petition for writ of habeas corpus denied

S116169

COOPER (DAVID) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S116170

BOYD (JOEL S.) ON H.C.

Petition for writ of habeas corpus denied

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|----------------|--|
| S116189 | CALDERON-TORRES (JUAN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116219 | PARKS (WAYNE) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116236 | ROSALES (ROBERT) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116283 | CASTRO (JOHNNY A.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116327 | FRANKLIN (EDWIN V.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S116500 | KING (DAVID) ON H.C. Petition for writ of habeas corpus denied |
| S116501 | STRICKLAND (SAMMY) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S117280 | AKMAL (ADAMA ABU) ON H.C. Petition for writ of habeas corpus denied |
| S117395 | CAMARENA (RUBEN) ON H.C. Petition for writ of habeas corpus denied |
| S117445 | SEMEDO (CLIFSTONE B.) ON H.C. Petition for writ of habeas corpus denied |
| S118046 | MACK (STEPHEN) ON H.C. Petition for writ of habeas corpus denied with citation(s) |

S118333PHILLIPS (ANTHONY R.) ON H.C.
Petition for writ of habeas corpus deniedas untimely and successive and on the merits
with citation(s).**S118369**AKMAL (ADAMA ABU) ON H.C.
Petition for writ of habeas corpus denied**S118455**JONES (WILL E.) ON H.C.
Petition for writ of habeas corpus denied**S118480**AKMAL (ADAMA ABU) ON H.C.
Petition for writ of habeas corpus denied**S119040**PAPPIN (ALBERT E.) ON H.C.
Petition for writ of habeas corpus denied**S119094**COURTOIS (PAUL) ON H.C.
Petition for writ of habeas corpus denied**S119098**MORA (NEY) ON H.C.
Petition for writ of habeas corpus denied**S119978**JACKSON (CHARLES) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S121406**IRVIN (STEVEN DERRICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S121658**GRIMES (JEROME L.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S121709**PARRA (EDWIN A.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S121766**SONI (SUPRITI) ON H.C.
Petition for writ of habeas corpus denied

S121360

D043257 Fourth Appellate District,
Division One

A. (A.) v. S.C. (PEOPLE)

Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Officials Reports. See rule 978(c), California Rules of Court.

S119773

E032884 Fourth Appellate District,
Division Two

NAVA v. CENTEX HOMES

Publication request denied (case closed)

S120533

C043127 Third Appellate District

WELLS FARGO BANK v. FUNK

Publication request denied (case closed)

Baxter, J., was recused and did not participate.

S120607

G031118 Fourth Appellate District,
Division Three

KWP FINANCIAL v. CASSING

Publication request denied (case closed)

S121160

C041511 Third Appellate District

MAULDIN v. COUPE

Publication request denied (case closed)

S121281

B154883 Second Appellate District,
Division Two

GREEN, MARRIAGE OF

Publication request denied (case closed)

S121298

B165619 Second Appellate District,
Division Four

SCOTT (NOEL PHILLIPE)

Publication request denied (case closed)

S121432

H024792 Sixth Appellate District

PEOPLE v. LE

Publication request denied (case closed)

S121435

F036802 Fifth Appellate District

MAUCHLEY v. OCWEN FEDERAL BANK

Publication request denied (case closed)

S121479

B161162 Second Appellate District,
B162240 Division Three

CLOOBECK, MARRIAGE OF

Publication requests denied (case closed)

S105508

A094755 First Appellate District,
Division Two

FORD, ESTATE OF

Time extended to consider modification or rehearing

to April 14, 2004

S120680

H024142 Sixth Appellate District

CDM INVESTORS v. AMERICAN NATL FIRE INS

Time extended to grant or deny review

to February 20, 2004

S120748

E032843 Fourth Appellate District,
Division Two

OSCA DEVELOPMENT COMPANY v. BLEHM

Time extended to grant or deny review

to February 20, 2004

S120822

B157868 Second Appellate District,
Division Seven

PEOPLE v. RIVA

Time extended to grant or deny review

to February 27, 2004

S120858

B170394 Second Appellate District,
Division Eight

ANHEUSER-BUSCH v. WCAB (THOMAS)

Time extended to grant or deny review

to February 27, 2004

S120862

E032037 Fourth Appellate District,
Division Two

PEOPLE v. MORALES

Time extended to grant or deny review

to February 27, 2004

S120882

E031058 Fourth Appellate District,
Division Two

PEOPLE v. RICHARDSON

Time extended to grant or deny review

to February 27, 2004

S120887

B170918 Second Appellate District,
Division Seven

KB v. S.C. (CONSOLIDATED)

Time extended to grant or deny review

to March 1, 2004

S120920

E032265 Fourth Appellate District,
Division Two

PEOPLE v. MARTIN

Time extended to grant or deny review

to March 4, 2004

S120926

A094701 First Appellate District,
Division Three

PEOPLE v. SNYDER

Time extended to grant or deny review

to March 4, 2004

S120951

F040773 Fifth Appellate District

WAGNER v. MUROC JOINT UNIFIED SCH. DIST.

Time extended to grant or deny review

to February 27, 2004

S121173

F041148 Fifth Appellate District

FOX v. ETHICON ENDO-SURGICAL

Time extended to grant or deny review

to March 12, 2004

S019697

PEOPLE v. WARD (CARMEN)

Extension of time granted

to March 15, 2004 to file respondent's brief.

S112933

KIDWELL (RANDY L.) ON H.C.

Extension of time granted

petitioner to and including January 28, 2004 to
file Petitioner's Reply to the Attorney General's
Informal Response.

S113321

A092782 First Appellate District,
Division Four

PEOPLE v. WALLACE
Extension of time granted

Respondent's time to serve and file the reply brief on the merits is extended to and including February 18, 2004. No further extensions of time will be contemplated.

S118052

F037501 Fifth Appellate District

PEOPLE v. THOMAS
Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to and including February 17, 2004.

S119498

C032633 Third Appellate District
C034943
C040263

STATE PERSONNEL BOARD v. DEPARTMENT OF
PERSONNEL ADMINISTRATION
Extension of time granted

Appellant's time to serve and file a consolidated reply brief is extended to and including March 17, 2004.

S119869

A100258 First Appellate District,
A097784 Division One

AMERICAN FINANCIAL SERVICES v. CITY OF
OAKLAND
Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the Opening Brief on the Merits is extended to and including February 23, 2004. No further extensions of time will be granted.

S025748

PEOPLE v. CASARES (JOSE L.)
Withdrawal of counsel allowed by order

On the court's own motion, the order appointing Phillip A. Trevino as appellate/habeas corpus counsel of record for appellant Jose Lupercio Casares, filed November 17, 1995, is hereby vacated.
Michael G. Millman, as Executive Director

of the California Appellate Project in San Francisco, is hereby appointed to serve as interim appellate and habeas corpus/executive clemency counsel of record for appellant Jose Lupercio Casares.

Phillip A. Trevino is directed to deliver to Executive Director Michael G. Millman, within 30 days from the filing of this order, all clerk's and reporter's transcripts in *People v. Casares* (S025748), all habeas corpus investigation and appellate work product and trial files, and all investigation reports and related materials obtained from appellant's trial counsel, paralegals, experts and investigators, or from any other source.

S030416

PEOPLE v. OCHOA (SERGIO)

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned prisoner Sergio Ochoa, filed December 15, 2003, is granted.

The order appointing Conrad Petermann as counsel of record for condemned prisoner Sergio Ochoa, filed December 23, 1996, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Sergio Ochoa. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S025748

PEOPLE v. CASARES (JOSE L.)

Order filed

In conjunction with the order filed this day vacating the appellate and habeas corpus/executive clemency appointment of Phillip A. Trevino as counsel of record on

behalf of appellant Jose Lupercio Casares in the above automatic appeal now pending in this court, Mr. Trevino is ordered to reimburse this court the sum of \$27,500, subject to his ability to demonstrate to the court that he should be credited, as appropriate, for appellate or habeas corpus "work performed that is determined by the court to be of value to the court." (See Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in Cal. Supreme Ct., guideline 11 ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel"].)

S036450

PEOPLE v. KOONTZ (HERBERT H.)
Motion denied

The motion of condemned inmate Herbert Harris Koontz to file under seal a motion to authorize the inspection and copying of certain confidential materials is denied. The clerk is directed to return such motion, lodged conditionally under seal but not yet filed, to the moving party. (See Cal. Rules of Court, rule 12.5(e)(7).)

S109306

A094460 First Appellate District,
Division Five

DOWHAL v. SMITHKLINE BEECHAM CONSUMER
HEALTHCARE
Order filed

The request to allocate to amicus curiae People of the State of California, ex rel. Bill Lockyer, Attorney General, 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

S118450

B159333 Second Appellate District,
Division Seven

LONG BEACH, CITY OF v. DEPARTMENT OF
INDUSTRY
Order filed

Amicus's motion to intervene as party, filed December 16, 2003, is DENIED.

| | |
|----------------|---|
| S113278 | MAY, ACCUSSATION OF Petition denied (accusation) |
| S113785 | KAUFMAN, ACCUSATION OF Petition denied (accusation) |
| S115137 | EHTESHAMI, ACCUSATION OF Petition denied (accusation) |
| S115183 | EAVES, ACCUSATION OF Petition denied (accusation) |
| S115199 | COLE, ACCUSATION OF Petition denied (accusation) |
| S115215 | ANCHETA, ACCUSATION OF Petition denied (accusation) |
| S115348 | BROADHURST, ACCUSATION OF Petition denied (accusation) |
| S115780 | BELL, ACCUSATION OF Petition denied (accusation) |
| S116073 | BURGOS, ACCUSATION OF Petition denied (accusation) |
| S116094 | DUBLIN, ACCUSATION OF Petition denied (accusation) |
| S116190 | BUCHANAN, ACCUSATION OF Petition denied (accusation) |
| S116320 | FIALA, ACCUSATION OF Petition denied (accusation) |

| | |
|----------------|---|
| S116341 | CODY, ACCUSATION OF Petition denied (accusation) |
| S116479 | FRANCHELIN, ACCUSATION OF Petition denied (accusation) |
| S116574 | JOHNSON, ACCUSATION Petition denied (accusation) |
| S116672 | DAVIS, ACCUSATION OF Petition denied (accusation) |
| S116719 | JOHNSON, ACCUSATION OF Petition denied (accusation) |
| S117007 | HANCE, ACCUSATION OF Petition denied (accusation) |
| S117011 | COX, ACCUSATION OF Petition denied (accusation) |
| S117081 | DILLON, ACCUSATION OF Petition denied (accusation) |
| S117088 | GARDNER, ACCUSATION OF Petition denied (accusation) |
| S117178 | GEE, ACCUATION OF Petition denied (accusation) |
| S117356 | HIBBARD, ACCUSATION OF Petition denied (accusation) |
| S117516 | FIDGE, ACCUSATION OF Petition denied (accusation) |

S117520

BELL, ACCUSATION OF
Petition denied (accusation)

INQUIRY CONCERNING JUDGE JOSEPH
O'FLAHERTY, NO. 171

Upon the request of the Commission on Judicial Performance for the appointment of three special masters in the above proceedings, the following judges, selected by the commission from a list submitted by the Supreme Court, are hereby appointed special masters to hear and take evidence in such matter and report thereon to the commission. (See rule 121, Rules of Com. on Jud. Performance.)

1. Honorable Sandra Lynn Margulies
Court of Appeal, First Appellate District
 2. Honorable Donald Cole Byrd
Superior Court of Glenn County
 3. Honorable Michael T. Garcia
Superior Court of Sacramento County
- Justice Sandra Margulies is designated presiding special master.

